



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

### In the Application of:

SAVERIO, CARL, FALCO ET AL.

CASE NO.: BB1205 US NA

APPLICATION NO.: 09/464,528

GROUP ART UNIT: 1646

FILED: DECEMBER 15, 1999

EXAMINER: C. COLLINS

**FOR: S-ADEOSYL-L-METHIONINE SYNTHETASE  
PROMOTER AND ITS USE IN EXPRESSION  
OF TRANSGENIC GENES IN PLANTS**

## RESPONSE

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

Sir:

This is submitted in response to the Office Action dated January 31, 2001 regarding the subject application. Applicants respectfully request reconsideration and submit the following in support thereof.

## In the Claims

Kindly amend the claims as follows:

1. (amended) An isolated nucleic acid fragment comprising:  
a) a promoter having at least 80% identity with any of the nucleotide sequences set forth in SEQ ID NOS:6,14, 15, or 16 based on the Clustal method of alignment, or  
b) a promoter which hybridizes with any of the nucleotide sequences set forth in SEQ ID NOS:6, 14, 15, or 16 under moderately stringent conditions.

2. (amended) A chimeric gene comprising at least one heterologous nucleic acid fragment operably linked to the promoter of Claim 1.

3. (amended) A plant comprising the chimeric gene of Claim 2.

7. (amended) Seed of the plant as in any one of Claims 3-6.

8. (amended) A method of expressing at least one heterologous nucleic acid fragment in a plant cell which comprises:  
(a) transforming a plant cell with the chimeric gene of Claim 2;  
(b) growing fertile mature plants from the transformed plant cell of step (a);